



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/753,408

01/09/2004

Kenichiro Yamane

029118.53153US

6403

23911 7590 10/28/2010  
CROWELL & MORING LLP  
INTELLECTUAL PROPERTY GROUP  
P.O. BOX 14300  
WASHINGTON, DC 20044-4300

EXAMINER

ARTHUR JEANGLAUDE, GERTRUDE

ART UNIT

PAPER NUMBER

3661

MAIL DATE

DELIVERY MODE

10/28/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/753,408	<b>Applicant(s)</b> YAMANE ET AL.	
	<b>Examiner</b> GERTRUDE ARTHUR JEANGLAUD	<b>Art Unit</b> 3661	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7, 8 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7, 8 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kakiyara et al. (U.S. Patent No. 5,293,163) in view of Shimoura et al. (JP 2000-306190).

Regarding claim 7, Kakiyara et al. disclose a display method for a car navigation system which displays a position and proceeding direction of a user's car on a road map and displays a guide route on the road map (See abstract), the display method overlapping displaying a graphic at a position on the road map corresponding to traffic information and also discloses traffic jam (See col. 14, lines 66-68-col .15, lines 1-10; Fig. 3). Kakiyara et al. although disclose the display is made in overlapped manner of the road and traffic information; it does not specifically disclose traffic jam statistical information.

In an analogous art, Shimoura et al. disclose a traffic information management wherein it discloses an area surrounded by said graphic depends on the traffic jam statistical information and a statistical reliability of the traffic jam statistical information

Art Unit: 3661

(considered as traffic information collection with feature values), wherein said statistical reliability is a rank classification based on a standard deviation (using Kalman filter) of said traffic jam statistical information, and wherein said graphic has a perimeter that changes based on said statistical reliability (See abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Kakiyama et al. with that of Shimoura by having traffic jam statistical information and a statistical reliability wherein the statistical reliability is a rank classification based on a standard deviation of the traffic jam statistical information in order to provide traffic information which precisely and efficiently measures the number of vehicles.

Claims 8, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kakiyama et al. (U.S. Patent No. 5,293,163) in view of Shimoura et al. (JP 2000-306190) and Nanba et al. (U.S. Patent No. 5,874,905).

Regarding claims 8, 10, Kakiyama et al. and Shimoura et al. combined disclose all but fail to specifically disclose a display classifying colors with traffic jam and a circle. In an analogous art, Nanba et al. disclose traffic jam, a display which changes in colors and classifying colors but does not specifically disclose a circle and classifying the colors with the traffic jam. However, Nanba et al. also disclose different patterns and direction mark in larger size and changing color in the display and thicker line (See col. 11, lines 1-14). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have different patterns and colors with display and traffic jam in order to better understand the displayed route information.

***Response to Arguments***

Applicant's arguments filed 9/07/10 have been fully considered but they are not persuasive.

No objection was made to action mailed 3/24/10. Even with amendment filed on 8/30/10, it is believed that the prior arts teach the limitations in the claims and the rejection above is maintained.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GERTRUDE ARTHUR JEANGLAUD whose telephone number is (571)272-6954. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 6:00 p.m..

Art Unit: 3661

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gertrude Arthur-Jeanglaude/  
Primary Examiner, Art Unit 3661